

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

| | | |
|--------------------------------|---|----------------------------------|
| NETLIST, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No. 2:21-CV-463-JRG |
| |) | |
| SAMSUNG ELECTRONICS CO., LTD., |) | JURY TRIAL DEMANDED |
| SAMSUNG ELECTRONICS AMERICA, |) | |
| INC., SAMSUNG SEMICONDUCTOR, |) | |
| INC., |) | |
| Defendants. |) | |
| |) | |

**JOINT MOTION FOR ENTRY OF SCHEDULING ORDER FOR
POST-TRIAL MOTIONS AND STIPUALITON REGARDING
COMBINED BRIEFING RELATED THERETO**

The parties seek entry of a scheduling order related to post-trial motions and the parties have also agreed to a stipulation regarding the briefing on the motions for judgment as a matter of law and for a new trial. The parties jointly and respectfully request entry of an order setting the following deadlines as follows:

| EVENT | DEADLINE |
|--|-------------------|
| Motions for Judgment as Matter of Law/New Trial | September 8, 2023 |
| Response In Opposition to Motions for Judgment as Matter of Law/New Trial | October 6, 2023 |
| Reply in Support of Motions for Judgment as Matter of Law/New Trial | November 3, 2023 |
| Sur-Reply In Opposition to Motions for Judgment as Matter of Law/New Trial | December 1, 2023 |

Stipulations:

1. The parties agree to combine the briefing on the motions for judgment as a matter of law and for a new trial, such that there would be a single motion, response, reply, and surreply that address all judgment as a matter of law and new trial issues.
2. Understanding that judgement as a matter of law motions and responses thereto have a collective limit of sixty (60) pages each and a motion for new trial and the response thereto are limited to fifteen (15) pages, the parties agree that the combined opening motion and response thereto shall be limited to seventy-five (75) pages which the parties may allocate amongst the issues however they see fit.
3. Understanding that any reply or surreply to judgement as a matter of law motions have a collective limit of twenty (20) pages each and a reply and surreply to a motion for new trial is limited to five (5) pages, the parties agree that any combined reply or surreply shall be limited to twenty-five (25) pages in total which the parties may allocate amongst the issues however they see fit.

Dated: August 30, 2023

Respectfully submitted,

/s/ Samuel F. Baxter

Samuel F. Baxter
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
Jennifer L. Truelove
Texas State Bar No. 24012906
jtruelove@mckoolsmith.com
MCKOOL SMITH, P.C.

104 East Houston Street Suite 300
Marshall, TX 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Jason Sheasby (*pro hac vice*)
jsheasby@irell.com
Annita Zhong, PhD (*pro hac vice*)
hzhong@irell.com
Andrew J. Strabone (*pro hac vice*)
AStrabone@irell.com
Thomas C. Werner (*pro hac vice*)
twerner@irell.com
Yanan Zhao (*pro hac vice*)
yzhao@irell.com
Michael W. Tezyan (*pro hac vice*)
mtezyan@irell.com

IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Tel. (310) 277-1010
Fax (310) 203-7199

Rebecca Carson (*pro hac vice*)
rcarson@irell.com
IRELL & MANELLA LLP
840 Newport Center Drive, Suite 400
Newport Beach, CA 92660

Attorneys for Plaintiff Netlist, Inc.

/s/ Ruffin B. Cordell

Ruffin B. Cordell
TX Bar No. 04820550
cordell@fr.com
Michael J. McKeon
D.C. Bar No. 459780
mckeon@fr.com
Lauren A. Degnan
D.C. Bar No. 452421
degnan@fr.com
Brian Livedalen
D.C. Bar No. 1002699
livedalen@fr.com

Daniel A. Tishman
D.C. Bar No. 1013923
tishman@fr.com
Matthew Mosteller
CA Bar No. 324808
mosteller@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW
Washington, DC 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Katherine Reardon
NY Bar No. 5196910
kreardon@fr.com
Sara C. Fish
GA Bar No. 873853
sfish@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St., NE, 21st Floor
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Francis J. Albert
CA Bar No. 247741
albert@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com
Matthew Colvin
Texas Bar No. 24087331
colvin@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, Texas 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

Karolina Jesien
New York Bar No. KJ7292
FISH & RICHARDSON P.C.
Times Square Tower
20th Floor
New York, NY 10036
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

Melissa Richards Smith
melissa@gillamsmith.com
GILLAM & SMITH, LLP
303 South Washington Ave.
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Alice J. Ahn
CA 271399 / DC 1004350
aahn@cov.com
COVINGTON & BURLING LLP
415 Mission Street, Ste. 5400
San Francisco, CA 94105
Telephone: (415) 591-7091
Facsimile: (415) 591-6091

Brian R. Nester
D.C. Bar No. 460225
bnester@cov.com
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: (202)-662-6000

*Attorneys for Defendants Samsung Electronics
Co., Ltd.; Samsung Electronics America, Inc.;
and Samsung Semiconductor, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on August 30, 2023, a copy of the foregoing was served to all counsel of record.

/s/ Jason Sheasby
Jason Sheasby

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7, local counsel for Netlist met and conferred with local counsel for Samsung prior to the filing of this motion. Counsel for Samsung indicated that Samsung joins this motion.

/s/ Jennifer Truelove
Jennifer Truelove